

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVIDSON SURFACE/AIR, INC.,)

Plaintiff,)

v.)

No. 4:22 CV 547 CDP

ZURICH AMERICAN INSURANCE)

COMPANY, d/b/a Zurich,)

Defendant.)

MEMORANDUM AND ORDER

On November 7, 2023, plaintiff moved to extend the deadline by which to complete depositions of defendant's experts from September 29, 2023, to December 15, 2023; and, further, requested that a schedule be imposed for rebuttal expert discovery. Given the potential impact those requests could have on other deadlines in the case, which in turn could affect the trial date, I held a telephone conference with counsel on November 15 to address those matters. As I explained during that conference, I will schedule another telephone conference for the purposes of clarifying what expert and fact discovery remains to be conducted in the case, whether and to what extent witness availability may be affected with a new trial date, and to impose a new schedule by which the remainder of this case will be governed.

Accordingly,

IT IS HEREBY ORDERED that this matter is set for a telephone status/scheduling conference on **Wednesday, November 29, 2023, at 12:30 p.m.**

Counsel should dial 888-684-8852, then when prompted enter access code: 4362059.

IT IS FURTHER ORDERED that **not later than Friday, November 17, 2023**, plaintiff shall either 1) disclose its rebuttal weather expert witness to defendant and provide their report or other information required by Fed. R. Civ. P. 26(a)(2), OR 2) notify defendant that it does not intend to produce the rebuttal expert witness or their rebuttal report.

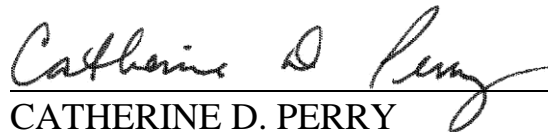
IT IS FURTHER ORDERED that counsel shall promptly meet, confer, and gather/prepare the following information in order to fully update the Court during the November 29 conference:

- 1) Whether counsel for defendant intends to depose plaintiff's rebuttal weather expert and, if so, whether defendant intends to disclose a surrebuttal expert and produce a surrebuttal report;
- 2) With regard to the misidentified non-retained expert witness recently scheduled for deposition, the date upon which the deposition of the properly identified witness is scheduled;
- 3) The names of all witnesses who have not yet been deposed in the case – including fact witnesses, retained and non-retained expert witnesses, and rebuttal expert witnesses – and the dates upon which said depositions are scheduled to be taken;
- 4) The effect, if any, the rescheduling of the trial date from April 22, 2024,

to June 17, 2024, will have on the availability of witnesses at trial; and

5) Mutually available dates for trial in the event the tentatively planned trial date of June 17, 2024, is not workable.

IT IS FURTHER ORDERED that the deadlines governing expert witnesses, discovery completion, and the filing of dispositive and expert-related motions set out in Section I of the Third Amended Case Management Order are **VACATED**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 16th day of November, 2023.